

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

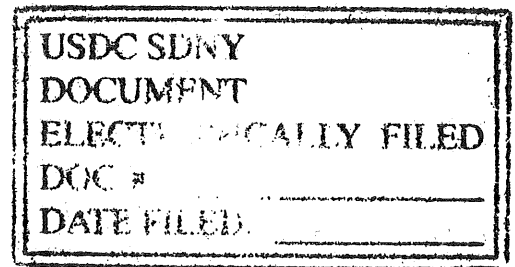
MARY F. CRAWFORD,

Plaintiff,

-against-

EXLSERVICE.COM, LLC, et al.,

Defendants.



16 Civ. 9137 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is Defendants' May 9, 2019 motion for reconsideration [dkt. no. 61] of the Court's April 25, 2019 order denying Defendants' request to engage in expert discovery on the issue of mitigation [dkt. no. 51].

"A motion for reconsideration is an extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources." Drapkin v. Mafco Consol. Grp., Inc., 818 F. Supp. 2d 678, 695 (S.D.N.Y. 2011) (citation and internal quotation marks omitted). Such motions "are properly granted only if there is a showing of: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) a need to correct a clear error or prevent manifest injustice." Id. at 696. "Reconsideration should not be granted where the moving party seeks solely to relitigate an issue already decided" Christoforou v. Cadman Plaza N.,

Inc., 04 Civ. 8403 (KMW), 2009 WL 723003, at *7 (S.D.N.Y. Mar. 19, 2009) (citation and internal quotation marks omitted).

In moving for reconsideration, Defendants identify no new evidence or intervening change in the law. Instead, Defendants contend that the Court committed clear error by denying their expert discovery request on grounds that Defendants had waived their mitigation defense. (See Memorandum of Law in Support of Motion for Reconsideration, dated May 9, 2019 [dkt. no. 62].)

The Court rejects Defendants' arguments. The Court's waiver conclusion is amply supported by Defendants' statement to the Court at a status conference that "mitigation was not an issue" and reinforced by Defendants' decision not to explore mitigation-related topics during Plaintiff's deposition. (See April 25, 2019 Order [dkt. no. 51] at 1-2.) Defendants cannot now relitigate the issue, and their "[m]ere disagreement with the Court's legal determination is not a valid basis for reconsideration." In re Digital Music Antitrust Litig., No. 06 MD 1780 (LAP), 2015 WL 13678846, at *5 (S.D.N.Y. Mar. 2, 2015).

CONCLUSION

Defendants' motion for reconsideration [dkt. no. 61] is DENIED. The Clerk of the Court is directed to close the motion.

SO ORDERED.

Dated: New York, New York
November 12, 2019

A handwritten signature in cursive script, reading "Loretta A. Preska".

LORETTA A. PRESKA
Senior United States District Judge